

## REPORTING FORMS FOR FY 2002 PROJECTIONS

- NPDES/PRETREATMENT
- DRINKING WATER SNC
- RCRA
- TOXICS
- EPCRA
- AIR
- FIFRA
- Statistically Valid Noncompliance Rates
- Multimedia Inspections

Please use the attached forms to enter regional and state projections. Information comprising both regional and state activities provide key information necessary for national program planning, management, and implementation. Given the timing of state negotiation cycles, however, state projections may be estimates. If necessary, these state estimates can be adjusted during the mid-year reporting process. (State projections for the EPCRA program are not necessary.)

**NPDES/PRETREATMENT INSPECTIONS**

This measure tracks, against semi-annual targets, the number of inspections of major NPDES facilities; Class I facilities receiving sludge management inspections; and pretreatment POTWs receiving compliance inspections; and the number of inspections of significant industrial users (SIUs) discharging to POTWs without approved programs in unapproved states.

Regions and states must maintain an effective inspection program, and the strategy for ensuring this in every state should be defined in the MOA. It is an Agency goal to provide 100% coverage of all major NPDES facilities (or equivalent coverage of a combination of major and priority minor facilities) and 100% of POTWs with approved pretreatment programs in unapproved states. Where EPA is the pretreatment control authority, Regions should evaluate each SIU file and follow-up with the field investigations at 100% of the SIUs with violations identified in their periodic reports, or where the Region believes that the SIU discharge may adversely impact POTW operation, effluent quality, or receiving water quality. Regions should focus inspections in Clean Water Act priority areas as defined in the MOA. Regions may shift a portion of their total inspection resources from major to minor facilities, particularly in priority watersheds or facilities discharging to impaired waters (e.g., fish advisories, shellfish bed or beach closures, drinking water sources). Since an inspection at a major facility generally requires more resources than an inspection at a minor facility, inspection tradeoffs, that is the number of minor facilities substituted for major facilities, should generally be a 2:1 ratio or greater. This ratio is based on previous workload models which averaged the amount of resources needed to conduct major and minor inspections. Additionally, as we focus on newer sources, such as SSOs, or on priority watersheds or impaired areas, such as beach closures, minor sources will be an important component of our inspection program. In addition, regions who are planning to conduct sludge inspections at the expense of other CWA core activities should provide a rationale for their investment in sludge inspections. Regions should report sludge inspections, where applicable, on the MOA form as part of the end-of-year report. Regions proposing to shift inspection resources from majors to minors must ensure that the necessary minor facility information and inspection data is entered into PCS, either by the region or state, in order to receive "credit." It is very important that minors data be reported into PCS to reflect our activities and show results. We now rely solely on minor data entered into PCS to evaluate and report results.

Inspections conducted by either EPA, the state, or other appropriate federal agency (such as the Mineral Management Service) will count towards coverage. Inspection coverage may be achieved by a mix of inspection types including Compliance Evaluation Inspections (CEIs), Compliance Sampling Inspection (CSIs), Biomonitoring Inspections (BIOS), Performance Audit Inspections (PAIs), Diagnostic Inspections (DIAGs), or Reconnaissance Inspections (RIs) for major NPDES facilities and pretreatment audits or pretreatment inspections for POTWs with approved pretreatment programs. Consolidated multi-media inspections can also count towards coverage. Multiple inspections at any one facility during the year will count as one permittee inspected. Reconnaissance Inspections may be counted toward the commitment only if the following criteria are met:

- (1) The facility has not been in SNC for any of the four quarters prior to the inspection.
- (2) The facility is not a primary industry as defined by 40 CFR, Part 122, Appendix A.
- (3) The facility is not a municipal facility with a pretreatment program.

When conducting inspections of POTWs with approved pretreatment programs, a pretreatment inspection component (PCI) should be added, using the established PCI checklist. A NPDES inspection with a pretreatment component will be counted toward the projection for majors, and the PCI will count toward the projection for POTW pretreatment inspections.

Proposed regional NPDES inspection projections should be provided within the Memorandum of Agreement between the region and OECA. Regions should provide the universe of majors and pretreatment POTWs, and SIUs along with semi-annual projection targets. The universe of permittees to be inspected consists of either those permittees designated as "majors" within the Permit Compliance System (PCS) or POTWs with approved pretreatment programs, also designated within PCS. Regions should use the chart for semi-annual reporting and provide the number of inspections conducted against targets and, where appropriate, a separate count of the number of sludge inspections conducted (a target has not be established for sludge inspections; this is a "report-only" requirement).

For further information on the NPDES inspection projection instructions, please contact Kathryn Greenwald (202/564-3252), in the Water Enforcement Division/ORE, or Peter Bahr (202/564-7029) and Julie Tankersley (202/564-7002) in the Compliance Assessment and Media Programs Division/OC. For further information on pretreatment inspections please contact Kathryn Greenwald, or Walter Brodtman (202/564-4181) in the Agriculture Division/OC.

### FY 2002 NPDES AND PRETREATMENT INSPECTION PROJECTIONS

NPDES INSPECTIONS			
REGION/STATE*	MAJORS		MINORS***
	<u>Universe**</u>	<u>Projection</u>	
		# (%)	
		<u>2 Q</u> <u>4 Q</u>	

\* Universes and projections should be broken out by federal and state-by-state.

\*\* For Region X, the universe number provided should exclude major placer miners.

\*\*\* For minors provide an annual projection number.

### Pretreatment Inspections

Region/State	Universe of Approved Programs	Projected Audits & Inspections				Coverage Total = # (%)
		<u>2nd Q</u>		<u>4th Q</u>		
		A	I	A	I	

Region/State	Universe of SIUs (without approved programs in unapproved states)	Projected Inspections				Coverage Total = # (%)
		<u>2nd Q</u>		<u>4th Q</u>		
		I		I		

Note: This measure requires semi-annual projections for NPDES Inspections and Pretreatment Inspections. Projections for 4th quarter should be cumulative numbers. Projections are not required for Sludge Inspections. Semi-annual reporting is required for NPDES, Pretreatment and Sludge Inspections. The second pretreatment table only needs to be filled in by regions that have unapproved States (i.e., Regions I, II, III, V, VII, VIII, and IX).

## DRINKING WATER ROLLING-BASE SNC/EXCEPTIONS PROJECTIONS

This measure requires each region to negotiate projections for the number of Drinking Water SNCs/Exceptions, off a rolling-base list, which will be appropriately addressed, either by state or federal action, or returned to compliance in a timely and appropriate manner so as to prevent these public water systems from appearing on a list of unaddressed SNCs (a.k.a, exceptions). This is a somewhat different projection than that asked for in prior MOAs in that with the exception of FY 2001, regions were required to negotiate from a fixed-base of SNCs identified at the beginning of the fiscal year.

Otherwise, we are employing a similar process for negotiating the projections as we have used in those prior years and as was set out in the MOA guidance. In prior years (except for the transition year of FY 2001 in the change from fixed-base to rolling-base), separate projections were negotiated for the Surface Water Treatment Rule (SWTR), Microbiological/Turbidity (M/T), and for Chemical/Radiological (C/R) SNCs and Exceptions. For FY 2002/2003, separate projections should be negotiated only for microbial SNCs and exceptions, as a group, and for chem/rad SNCs and exceptions, as a group. The projections will generally exclude the transient non-community public water systems. As indicated in the national priority section in the MOA guidance, OECA expects the regions/states to address 100% SNCs for the microbial rules; if not, the Region should provide an explanation. In general, if a state and/or region has a relatively small number of SNCs/Exceptions, we expect the state and/or Region to commit to address 100% of the systems. If the regional projection for C/R (including the lead/copper rule), and other non-TCR, non-SWTR microbial rules is less than 100%, an explanation must be provided explaining why the systems will not be addressed. It is possible that we will again in FY 2002/2003 have large numbers of lead/copper rule SNCs. If this is the case, and it is confirmed by Headquarters, we are prepared to negotiate C/R projections using the same guidance we used in FY 1998/1999, i.e. 100% of the large and medium systems and at least 85% of the small systems. A projection of anything less than 85% must be accompanied by a justification (not necessarily system-specific) explaining why the remainder will not be addressed. Please remember that in order to be counted towards the projection, the enforcement action must be taken or the return to compliance must occur by the end of the fiscal inspection year (i.e, June). Note that as in prior years, actions taken or returned to compliance reported in the fourth quarter of FY 2002 also count towards your projections.

It is our understanding, generally, that regions and states should have the resources to address the systems on the fixed base as well as other high priority systems that come up during the year. Where appropriate, substitutions will be allowed under the following conditions: (a) the region (and state) have more SNCs/exceptions on the fixed base than it can address with both regional and state resources; (b) the name of the system for which the substitution is being made, as well as the system which is the substitute, must be provided, in advance. The SNC definition has remained unchanged; refer to the FY 93 PWSS Compliance Report, dated March 1994, pages 43-44.

The contact for this projection is Andy Hudock (202/564-6032) of the Water Enforcement Division/ORE, or Ken Harmon in the Compliance Assistance and Sector Programs Division of OC (202/564-7049).

**RCRA REGIONAL PROJECTED COMPLIANCE MONITORING ACTIVITIES:**

*The following projection charts should be submitted with the draft MOA. Both tables need to be completed since they provide valuable information on different aspects of the national RCRA enforcement program. Table 1 shows where regional RCRA resources will be distributed among the priorities and universe types. Tables 2 shows how federal and state resources will be used to meet the core program requirements. The total number of regional inspection projections should be the same for both tables.*

*A completed chart for the region showing where inspections were conducted during the fiscal year will be submitted at the end of the year.*

**A. Regional Priority Inspection Projections****1. Instructions for completing Table 1**

- !** For the region, indicate the number of facilities where EPA activities are *projected* to occur in the fiscal year 2002.
- !** To avoid double counting between priorities, use the hierarchy of permit evaders and petroleum refining. For all other activities, list in order of importance to the regional RCRA program and use that as the hierarchy to count compliance monitoring activities once.
- !** To avoid double counting of facilities, use this hierarchy to count compliance monitoring activities once, e.g. an inspection planned for an LDF with an incinerator, credit one activity to the Incinerator column.
  - 1. Federal Facility (See 1. Special Factors)
  - 2. State and Local TSDF (3007(d))
  - 3. Incinerators
  - 4. Boilers and Industrial Furnaces
  - 5. LDFs
  - 6. TSFs
  - 7. Large Quantity Generators (LQGs)
  - 8. Small Quantity Generators (SQGs)
  - 9. Non-notifiers
  - 10. Transporters

## RCRA Regional Projected Compliance Monitoring Activities - cont.

Facility Type	Federal Facility	State & Local TSDF 3007(d)	Inc	BIFs	LDFs	TSFs (non-combustion)	LQG	SQG	Non-Notifiers	Transporters	Other (used oil, tips,etc.)	Compliance Assistance Activities	TOTALS
Priority													
Permit Evaders													
- Waste-derived fertilizer													
- Bevill													
- Foundries													
- Other													
Petroleum Refining													
Other Priorities (please list in order of importance to the RCRA program)													
TOTALS													

**RCRA REGIONAL AND STATE PROJECTED CORE PROGRAM COMPLIANCE MONITORING ACTIVITIES - FY 2002**

*Compliance monitoring activities for the core program should be reported below for both the regions and states.*

- ! Indicate the number of facilities where regional and state activities are *projected* to occur in the fiscal year 2002. Regions should indicate the number of regional inspections that will be conducted in each state. Inspections commitments/projections should include ALL RCRIS evaluation types, except for the SNC determinations, SNN and SNY.
- ! To avoid double counting of facilities, use this hierarchy to count compliance monitoring activities once:
1. Federal Facility (See 1. Special Factors)
  2. State and Local TSDF (3007(d))
  3. Treatment, Storage, and Disposal Facilities (TSDFs)
  4. Large Quantity Generators (LQGs)
  5. Small Quantity Generators (SQGs)
  6. Other (Facilities other than those listed in 1-5 above; i.e., non-notifiers transporters, used oil, etc.)

	<b>Federal Facility</b>	<b>State &amp; Local TSDF 3007(d)</b>	<b>TSDFs 3007(e)</b>	<b>Large Quantity Generators</b>	<b>Small Quantity Generators</b>	<b>Other (Non-notifier, transporter, used oil, etc.)</b>	<b>TOTALS</b>
<b>Total Regional Inspection Commitments (by State)</b>							
<b>Total State-by-State Inspection Projections</b>							

The contact for the RCRA and UST projection charts is Caroline Ahearn (564-4012), in the RCRA Enforcement Division/ORE, or Gregory Fried (202/564-7016) in the Compliance Assessment and Media Programs Division/OC.

**UST INSPECTION PROJECTIONS**

	UST Inspections at Federal Facilities	UST Inspections in Indian country	Other	Total UST Inspections
Regional UST * Inspections (by State)				
<b>Totals</b>				

*\* Please note that state UST inspection projections are not requested. Instead, report regional inspections by state and include all inspection information in one master chart. Please indicate the number of regional inspections conducted by the categories identified; also provide overall totals as well as totals by category.*

**1. Special Factors for Redirection of Statutorily Mandated Inspections at Federal Facilities.**

The Federal Facility Compliance Act (1992) amended RCRA Section 3007 (c) and requires EPA to conduct annual inspections at all Federal facilities. This has been interpreted as the Federal Treatment, Storage and Disposal Facilities (TSDFs) universe. Currently, there are 274 Federal TSDFs which should receive annual inspections by EPA or authorized states.

In order to meet the statutory intent of the 1992 Act while providing the maximum disinvestment flexibility to the regions and states, inspections at Federal TSDFs should be redirected to Federal Large and Small Quantity Generators (LQGs/SQGs) and/or Civilian Federal Agencies (CFAs) such as: Department of Interior, Department of Transportation, Veterans Administration, etc. only if the following criteria are met:

- 1) Federal TSDF has received annual EPA/state inspection within the last five fiscal years.
- 2) Federal TSDF is not a High Priority Violator (HPV).
- 3) Federal TSDF has no open or unresolved enforcement actions.

Satisfying the three (3) above mentioned criteria should provide Regions and states justification for the disinvestment in inspections of Federal TSDFs. The shift in investment to Federal LQGs, SQGs, and/or CFAs should still meet the Congressional intent of the 1992 Act.

**TSCA INSPECTION TARGETS**

Please fill in projected numbers for each category in the chart below.

<b>REGION/ PROGRAM</b>	<b>Core TSCA (§§4,5,8,12, 13)</b>	<b>PCBs</b>	<b>Lead 1018</b>	<b>Lead 402/404</b>	<b>Lead 406</b>	<b>Asbestos</b>	<b>TOTAL TSCA Inspections</b>
Regional Federal							
State-by-State							

If you have any questions regarding PCBs or core TSCA inspection projections reporting please contact Gerald Stubbs (202/564-7043) of the Toxics and Pesticides Enforcement Division/ORE. For core TSCA questions, please contact John Mason (202/564-7037) of the Compliance Assistance and Sector Programs Division/OC. For PCB questions, please contact Joanne Callahan (202/564-5009) of the Compliance Assistance and Sector Programs Division/OC. For the lead program, please contact Carl Eichenwald (202/564-4036) of the Toxics and Pesticides Enforcement Division/ORE or Fran Jonesi (202/564-7043) of the Compliance Assistance and Sector Programs Division/OC.

**EPCRA INSPECTION TARGETS:**

Please fill in projected numbers for each category in the chart below. Please note: If a region conducts a combined EPCRA inspection, for example a joint 313/304 inspection, then it should be counted as 1 inspection. The region should footnote which sections of EPCRA that the joint inspection covered.

REGION/PROGRAM	EPCRA §313 non-reporter Inspections	EPCRA §313 Data Quality Inspections	EPCRA §304 CERCLA §103 Inspections	EPCRA §311/312 Inspections	Total EPCRA Inspections
Regional Federal					

For further information on this projection, please contact Carl Eichenwald (202/564-4036) of the Toxics and Pesticides Enforcement Division/ORE, or John Mason (202/564-7037) and Sally Sasnett (202/564-7074) of the Chemical, Compliance Assistance and Sector Programs Division in the Office of Compliance.

**CLEAN AIR ACT INVESTIGATION AND INSPECTION COMMITMENTS FOR FY 2002**

Please fill in the following table to reflect regional and state-by-state investigation commitments for the air program.

Investigation Type/ Region and state	Number of NSR or PSD Investigations	Number of Other Investigations
Region		
State-by-state		

Please fill in the following table to reflect regional and state-by-state inspection commitments for the air program. Note that the total number of inspections should equal the sum of all other inspection categories. Although CMS identifies a 2-year planning cycle, Full Compliance Evaluation commitments are required to be made annually.

Inspection Type/ Region and State	Total Number of Full Compliance Evaluations	Major Source Full Compliance Evaluations	Synthetic Minor Source Full Compliance Evaluations	* Other Source Full Compliance Evaluations	Number of Stack Tests Conducted
Region					
State-by-state					

\* All Full Compliance Evaluation commitments negotiated as alternatives to the major and 80% Synthetic Minor source commitments.

**CLEAN AIR ACT TITLE V CERTIFICATION COMMITMENTS**

Please fill in the following table to reflect regional Title V Certification Review commitments for the air program.

Certification Type/region and state	Number of Initial Title V Certifications	Number of Annual Title V Certifications
Region		
State-by-state		

If you have any additional questions regarding air inspection projection reporting, please contact Mario Jorquera (202/564-1079) in the Air Enforcement Division in the Office of Regulatory Enforcement or Scott Throwe (202/564-7013) in the Compliance Assessment and Media Programs Division of the Office of Compliance.

**FIFRA INSPECTION TARGETS:**

Please fill in projected numbers of each category in the chart below. Please refer to the FY95 Pesticide Enforcement Cooperative Agreement Guidance, Appendix II for a complete discussion of reporting definitions.

<b>Pesticides Enforcement Cooperative Agreement Output Projections</b>												
<b>Inspection Projections State-by-State</b>	Agricultural		Nonagricultural		Experi- mental Use	Producing Estab- lishment	Market- Place	Imports	Export	Certified Applicator Records	Use Restricted Pesticide Dealers	Total
	Use	Follow up	Use	Follow up								

For further information on reporting for this projection, please contact Carl Eichenwald (202/564-4036) of the Toxics and Pesticides Enforcement Division/ORE, or Jack Neylan (202/564-5033) in the Agriculture Division of the Office of Compliance.

**FY 2002 MOA  
INSPECTION COMMITMENTS FOR STATISTICALLY VALID NONCOMPLIANCE RATES**

The inspections for the noncompliance rates efforts are prescribed by population (sector and regulation). Because this list is more specific, in fact a subset, of the inspections delineated in the other MOA inspection charts, a separate form is required for the noncompliance rates inspections.

This table is to be completed and submitted with your FY 2002 MOA submittal due in September 2001.

<b>Region _____ FY 2002 Inspections for Statistically Valid Noncompliance Rates Effort</b>	
<b>Population (Sector/Regulation)*</b>	<b>Number of Projected Inspections**</b>
Ethylene Oxide Commercial Sterilizer MACT	
Combined Sewer Overflow Compliance with 9 Minimum Controls	

\*Inspection plans, and a list of facilities for each identified population will be provided to the regions in July.

\*\*Projected inspections includes entire sample which will be 75% targeted inspections and the rest random.

If you have any additional questions regarding this reporting process, please contact Lynn Vendinello (202/564-7066) of the Office of Compliance.

## MULTIMEDIA INSPECTION PROJECTIONS

This measure requires each region to provide its projected number of consolidated and coordinated multimedia inspections. These projections will assist us in ensuring that each region's multimedia targeting strategy and operational plan are integrating a cross-program/multimedia perspective into all stages of environmental enforcement planning and decision-making. These inspections will encourage application of multimedia/cross-program enforcement approaches to achieve additional health and environmental protection results, deterrence, and efficiency which could not have been achieved by traditional single-media approaches alone.

While we are not requesting projections of single media inspections that utilize a multimedia checklist, we will continue to request those totals as part of the end-of-year accomplishments reporting. For reporting purposes CERCLA §103 and EPCRA §304 are considered the same program.

For further information on this measure, contact Philip Milton (202/564-5029) in the Multimedia Enforcement Division of the Office of Regulatory Enforcement.

Multimedia Inspection Projections		
Region	Inspection Type	Projection
	Consolidated <sup>1</sup> multimedia inspections	
	Coordinated <sup>2</sup> multimedia inspections	

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<sup>1</sup>A consolidated inspection occurs when a single inspection covers two or more programs under different statutes (for reporting purposes CERCLA §103 and EPCRA §304 are considered the same program). A consolidated inspection might be conducted by one fully trained inspector. Single program inspections using a multimedia checklist should not be credited as a consolidated inspection.

<sup>2</sup>To count as a "coordinated" inspection or action, no more than three months may have elapsed between inspection by one program and subsequent inspection by another program. The coordinated inspection must be a result of prior collaboration and planning between programs or based on information obtained during the initial inspection.